

#### Raquelle de la Rocha 5824 Varna Avenue Valley Glen, California 91401

FEDERAL ELECTION
COMMISSION
OFFICE OF CYNERAL
COUNSEL

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May 29, 2003

#### VIA FACSIMILE (202) 619-3923 and Federal Express Overnight Delivery

Lawrence Norton, General Counsel Federal Election Commission 999 E Street, NW Washington, DC 20463

RE: COMPLAINT REGARDING VIOLATIONS OF BIPARTISAN CAMPAIGN REFORM ACT; REQUEST FOR REFERRAL TO ATTORNEY GENERAL

Respondent: Congressman Darrell Issa

Dear Mr. Norton:

This letter is a complaint filed under 2 U.S.C. Section 437g(a)(1), 2 U.S.C. Section 437g(a)(5)(C) and 11 C.F.R. Section 111.4(a). The respondent, Congressman Darrell Issa, represents California's 49<sup>th</sup> Congressional District. I am a concerned registered voter, former Commissioner of the California Fair Political Practices Commission, former President of the Los Angeles City Ethics Commission, and former member of the American Bar Association Standing Committee on Election Law.

#### **SUMMARY**

Congressman Darrell Issa has violated the Bipartisan Campaign Reform Act by soliciting nearly half a million dollars in 'soft money' corporate contributions in connection with a California election.

Political opponents of Governor Gray Davis have begun circulating petitions to recall the incumbent Governor. If sufficient petition signatures are gathered, a special

recall election would take place. It would combine a ballot measure question on the recall, and an election for a successor governor if the recall receives majority voter support.

According to media reports, Mr. Issa and his agents have stated that Mr. Issa is raising large sums of money for the recall campaign. Publicly filed campaign reports show that Mr. Issa's efforts have resulted in \$445,000 in corporate funds from a corporation of which he is chief executive officer — Greene Properties, Inc. It appears that Mr. Issa has also solicited other soft money donations, resulting in at least \$60,000 in additional contributions to the recall campaign.

These actions violate a core BCRA provision which bars federal candidates from soliciting, receiving, directing, or transferring soft money. In addition, Mr. Issa has vowed to continue raising large sums of soft money from other donors.

I request that the Commission take immediate action to halt these substantial, continuing violations of federal campaign finance law.

#### **FACTS**

#### 1. Recall Campaign & Rescue California

Early this year, political opponents of Governor Gray Davis began gathering signatures to recall the Governor. If the effort collects roughly 900,000 petition signatures, a special election will be called. Voters will answer a ballot measure question regarding whether to recall Governor Davis. If a majority of voters choose to recall Governor Davis, then they will simultaneously select a new governor from candidates who have chosen to campaign for the successor position.

Under California law, political committees – including recall committees – must register and file campaign reports with the California Secretary of State's office. In May 2003, a committee called "Rescue California ... Recall Gray Davis" registered with the Secretary of State. [See Form 410 dated May 12, 2003 (Attachment A)]. Rescue California is formed solely to support the recall of Governor Davis. Rescue California also registered with the Internal Revenue Service as a political organization under Section 527 of the Internal Revenue Code. [See IRS Form 8871, dated May 6, 2003 (Attachment B)]

Media reports show that Mr. Issa is controlling Rescue California and soliciting large sums for the recall campaign. The Los Angeles Times reported that Mr. Issa has taken "control of the recall organization," and named it "Rescue California." [Los Angeles Times, May 17, 2003 (Attachment E)]

In April, several newspapers began reporting on Mr. Issa's involvement with the recall campaign. Mr. Issa initially said that he was "speaking out" and "lending time and energy" to the recall campaign. [Tri-Valley Herald, April 25, 2003 (Attachment F)] Mr. Issa said he did not want to contribute to the recall campaigns, because he did not want the campaign to be "about Issa writing a check." [San Diego Union-Tribune, April 25, 2003 (Attachment G)]

Then aides told the Los Angeles Times that Mr. Issa was planning to provide a "six-figure" donation as seed money. [Los Angeles Times, May 8, 2003 (Attachment H)]. Although the amount of funds is unclear, Mr. Issa "certainly has said that [he] would participate as a donor." [San Diego Union-Tribune, May 7, 2003 (Attachment I)]

#### 2. Soft Money Contributions

However, public records show that rather than contribute personal funds, Mr. Issa directed a substantial corporate contribution to Rescue California. Mr. Issa is the chief executive officer of Greene Properties, Inc. [See Statement of Domestic Corporation / Articles of Incorporation (Attachment C)] Mr. Issa's wife Katharine is the agent for service of process.

Greene Properties has contributed \$445,000 to Rescue California, as follows:

- \$100,000 on May 8, 2003
- \$100,000 on May 19, 2003
- \$245,000 on May 23, 2003

These contributions appear on publicly available campaign reports filed by Rescue California with the California Secretary of State. [See FPPC Forms 497 (Attachment D)]

Mr. Issa is actively soliciting soft money donations. The Los Angeles Times reports that Mr. Issa refuses to say "precisely how much in other donations he has solicited." [Los Angeles Times, May 8, 2003 (Attachment H)] But aides have admitted that Issa will "seek donations from others in the \$50,000 to \$100,00 range." [Orange County Register, May 7, 2003 (Attachment J)]

I am informed and believe that Mr. Issa solicited a \$10,000 contribution to Rescue California from Dan Gamel, Inc., and a \$50,000 contribution from the Lincoln Club of Orange County. (See FPPC Forms 497 (Attachment D)] I am informed and believe that Mr. Issa participated in a recent conference call with two dozen major Republican contributors. During the call Mr. Issa solicited the participants for contributions to Rescue California in excess of the limits and, in some cases, from corporations.

In addition, I am informed and believe that Mr. Issa recently met with the Morongo Indian Tribe Council and solicited contributions in excess of the permissible limits to Rescue California. The San Francisco Chronicle reported that Mr. Issa was in contact with tribes to solicit funds. They apparently responded with a pledge of up to \$4 million. [See San Francisco Chronicle, dated May 18, 2003 (Attachment L)]

#### **VIOLATIONS OF THE BIPARTISAN CAMPAIGN REFORM ACT**

A centerpiece of the Bipartisan Campaign Reform Act is the prohibition on raising 'soft money' by federal candidates and officeholders. Section 323 of the BCRA provides, in part:

#### "(e) Federal Candidates

- (1) In general. A candidate, <u>individual holding Federal office</u>, agent of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, <u>shall not</u>—
  - (A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or
  - (B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—
    - (i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1), (2), and (3) of section 315(a) [2 U.S.C. § 441a(a)]; and

(ii) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office." [2 U.S.C. § 441(e)(emphasis added)]

In other words, the BCRA prohibits Congressman Issa from soliciting, directing, receiving, transferring, or spending funds for Rescue California, unless those funds are raised in compliance with contribution limits of \$5,000 per year, and are not derived from prohibited sources such as corporations and unions.<sup>1</sup>

Mr. Issa violated Section 323 by soliciting and directing the contribution of \$445,000 from Greene Properties, Inc. to Rescue California. This contribution exceeds applicable limits, and it is a prohibited corporate contribution.

In addition, it appears that the soft money contributions to Rescue California from Dan Gamel, Inc. and the Lincoln Club were a direct result of Mr. Issa's efforts.

Finally, the press reports cited above show that Mr. Issa continues to solicit funds for Rescue California. Mr. Issa is targeting contributions in the "\$50,000 to \$100,000 range." He recently asked two dozen major contributors for soft money donations, as well as the Morongo Indian Tribe. This is a continuing violation of the BCRA.

Mr. Issa cannot plead that this activity is related to his candidacy for Governor. (Mr. Issa has filed a Statement of Intention to run for Governor in California in 2006. [See Attachment K]) A federal officeholder may spend non-federal funds to support his candidacy for state or local office, but only if those activities comply with state law and refer solely to himself or any other candidate for the State or local office sought....<sup>2</sup> [2 U.S.C. § 441i(e)(2)] The FEC's rule-making materials interpreting the BCRA make this distinction clear:

<sup>&</sup>lt;sup>1</sup> [See 2 U.S.C. § 441a(a)(1)(C) (contributions to non-candidate committees limited to \$5,000 / calendar year); 2 U.S.C. § 441b(a) (prohibits corporate / union contributions)]. 
<sup>2</sup> In addition, Mr. Issa could not argue that Rescue California funds will be used for his gubernatorial campaign. Under California law, contributions to a gubernatorial candidate are currently limited to \$21,200 per contributor, per election. (See Cal. Gov. Code, § 85301(c); 2 Cal. Code Regs., § 18545(a)(6) (adjusting contribution limits for inflation).) Almost all of Rescue California's contributions exceed the \$21,200 limit.

Candidates for state or local office] may raise and spend non-Federal funds for their state campaign, as long as their activities are consistent with State law and refer only to their status as a State or local candidate, to other candidates for that same office, or both." [67 Fed. Reg. 49107 (July 29, 2002)]

Rescue California sole purpose is to recall Governor Davis. It is not formed to support Mr. Issa 2006 campaign for governor. In fact, Rescue California activities do not refer to any candidate for governor, only to Governor Davis. As the target of a recall, Governor Davis is ineligible to be a candidate. [See Cal. Elections Code, § 11381 (c) ( o person whose recall is being sought may be a candidate to succeed himself or herself at a recall election ...."] Rescue California activities fall outside the exception outlined in Section 441i(e)(2).

#### **CONCLUSION**

Sincerely.

I request that the Commission take immediate action to halt these significant violations of the BCRA and the Federal Election Campaign Act. In addition, because the violations appear to be knowing and willful, I request that the Commission refer this matter to the Attorney General for action as allowed by 2 U.S.C. Section 437g(a)(5)(C).

Raquelle de la Rocha

#### DECLARATION UNDER PENALTY OF PERJURY

On information and belief, I declare under penalty of perjury under the laws of the United States that the facts stated in this complaint are true and correct, and that this declaration was executed at Studio City, California on May 29th, 2003.

Raquelle de la Rocha

#### **CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

Title or Type of Document.  Document Date.  Document Date.  Document Date.  Document Date.  Document Date.  Number of Pages.  Signer(s) Other Than Named Above  Capacity(ies) Claimed by Signer  Signer's Name  Individual  Corporate Officer — Title(s)  Partner — □ Limited □ General  Attorney-in-Fact  Trustee	County of Fox Angles	<b>}</b> ss
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## Attachment A

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34 Type or print in lnk	☐ Amendment List1D number	Date qualified as committee (if expected)		8		TE ZIP CODE AREA CODE/PHONE PER (71/2) HI (7-1-1/2)		COUNTY WHERE COMMITTEE IS ACTIVE IF DIFFERENT THAN COUNTY OF DOMICILE	continuation sheets.	Verification I have used all reasonable diligence in preparing this statement and to the best of my perjuicy under the taws of the State of California that the foregoing is true and correct.  Executed on DATE  Executed on DATE  Executed on DATE  DATE  By  By
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FPPC Form 410 (Jan/01) FPPC Toll-Free Helpline: 866/ASK-FPPC é >===

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COMMNITEE NAME Rescue California Recall Gray Davis				I D NUMBER	
4. Type of Committee Complete the applicable sections.					
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<ul> <li>List the name of each controlling officeholder, candidate, or state n district number, if any, and the year of the election.</li> </ul>	or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and	officeholder controlled, also li	st the elective	office sought or he	ald, and
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FPPC Form 410 (Jan/01) FPPC Toll-Free Helpline: 869/ASK-FPPC

## Attachment B

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(Rev Nov 2002)		Notice of Section 527 St	atus	OMB No 1545-1693	
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Rescue California	.Recall Gray Davis		51-04643	111	
		et, and room or suite number)			
921 11th Street, St City or town, state					
Sacramento, CA 9	5814				
3 Check applicable	box: Initial X A	mended Final			
4a Date Established 05/05/2003 4b Date of Material Change //					
5 E-mail address of organization					
vona@onemain.com					
6a Name of custodi	68 Name of custodian of records 6b Custodian's Address  Vons Copp 8958 Ivangah Court				
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79 Name of contact name on					
78 Name of contact person 7b Contact person's address  Vona Copp 8958 Ivanpah Court					
Vona Copp 8958 Ivanpah Court Elk Grove, CA 95624					
8 Business address of organization (if different from mailing address shown above) Number, street, and room or suite number					
City or town, state	City or town state, and ZIP code				
City or town, state, and ZIP code					
Part II Notification of Claim of Exemption From Filing Certain Forms Check the applicable box. See instructions.					
9a is this organization claiming exemption from filing Form 8872, Political Organization Report of Contributions and Expenditures, as a qualified state or local political organization? Yes No					
9b if 'Yes', list the state where the organization files reports CA					
10 is this organization claiming exemption from filing Form 990 (or 990-EZ), Return of Organization Exempt From Income Tax, as a caucus or association of state or local officials? Yes X No					
Part III Purpose					
11 Describe the purpose of the organization					
Governor Gray Davis Recall.					
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Vona Copp		Treasurer	8958 Ivanpah Court Elk Grove, CA 95624		

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#### **Political Organization**

OMB No 1545-1693

**Notice of Section 527 Status** 

SIGN HERE Under penalties of perjury, I declare that the organization named in Part I is to be treated as an organization described in section 527 of the internal Revenue Code, and that I have examined this notice, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

Vona L. Copp Signature of Authorized Official

<u>5/6/2003</u> Date

8871

#### **Political Organization**

Notice of Section 527 Status Declaration of Electronic Filing

Please review the information submitted. If the information is complete and accurate, please sign and date this form. To complete the electronic filing, mail this page to:

Internal Revenue Service Center Ogden, Utah 84201

Rescue California...Recall Gray Davis

51 - 0464311

921 11th Street, Ste. 1200

Sacramento, CA 95814

SIGN HERE ler pensities of perjury, I decisre that the organization named above is to be treated as an organization described in section 527 of the internal enue Code, and that I have examined my organization's Form 8871, including accompanying schedules and statements, and to the best of my wiedge and belief, it is true and correct.

Vona L. Copp Signature of Authorized Official

5/6/2003

Date

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## ARTICLES OF INCORPORATION OF GREENE PROPERTIES, INC.

2057614

FILED It the atthe of the Scorning of State of the State of Coffeenie

OCT - 'Z 1997

BILL JOHES. Secretary of State

#### ARTICLE I

The name of the corporation is Greene Properties, Inc.

#### **ARTICLE II**

The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

#### ARTICLE III

The name and address in the State of California of the corporation's initial agent for service of process is:

Katharine S. Issa 1598 Parkview Drive Vista, CA 92083

#### ARTICLE IV

The corporation is authorized to issue only one class of stock, which shall be designated common stock, and the total number of shares which the corporation is authorized to issue is Ten Thousand (10,000).

#### **ARTICLE V**

- The liability of the directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law, as such law exists from time to time.
- (b) The corporation is authorized to indemnify the directors and officers of the corporation (as defined in Section 317 of the California Corporations Code) to the fullest extent permissible under California law.
- . (c) The corporation is authorized to provide indemnification of agents through bylaw provisions, agreements with agents, vote of shareholders or disinterested directors, or otherwise, in excess of the indemnification otherwise permitted by Section 317 of the California Corporations Code, subject only to applicable limits set forth in Section 204 of the California Corporations Code, with respect to actions for breach of duty to the corporation and its shareholders

DATED.October 6, 1997

Noemi E. Ashline

Incorporator

## Attachment C





#### **SECRETARY OF STATE**

I, Kevin Shelley, Secretary of State of the State of California, hereby certify:

That the attached transcript of \_\_\_\_\_\_\_ page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAY 2 8 2003

Kein Sully Secretary of State



## State of California Bill Jones Secretary of State

STATEMENT BY DOMESTIC STOCK CORPORATION

DO NOT ALTER PREPRINTED NAME IF ITEM 1 IS BLANK, PLEASE ENTER CORPORATE NAME AND NUMBER.

C2057614 DUE DATE 10-31-00 17314S GREENE PROPERTIES, INC. 2560 PROGRESS STREET VISTA, CA 92083 08-254398

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Bill Jones

This Space For Filing Use Only ZIP CODE CITY AND STATE STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE One Viper Way Vista, 92083 STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY ZIP CODE 92083 Vista One Viper Way MAILING ADDRESS CITY AND STATE ZIP COCE 92083 One Viper Way Vista, CA CHIEF EXECUTIVE OFFICER CITY AND STATE ZIP CODE One Viper Way Vista, CA 92083 Darrell E. Issa SECRETARY/ **ADDRESS** CITY AND STATE ZIP CODE One Viper Way Vista. CA 92083 <u>Katharine S. Issa</u> CHIEF FINANCIAL OFFICER AODRESS CITY AND STATE ZIP CODE 92083 One Viper Way Vista, CA Katharine S. Issa AGT THE NAMES AND COMPUTE ADDRESSES OF MULTIPLETIC SPECIAL MARK HAVE CONCERNED COMPUTE. ADDRESS NAME CITY AND STATE ZIP CODE 92083 Darrell E. Issa One Viper Way Vista, CA CITY AND STATE NAME **ADDRESS** ZIP COOF Katharine S. 92083 <u>One Viper Way</u> <u>Vista. CA</u> CITY AND STATE ZIP CODE NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY CHECK THE APPROPRIATE PROVISION BELOW AND NAME THE AGENT FOR SERVICE OF PROCESS X ] An individual residing in California [ ] A corporation which has filed a certificate pursuant to section 1505 of the Californ AGENTS NAVE <u>Katharine S. Issa</u> 13. ADDRESS OF THE AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL. 7IP CODE 1598 Parkview Vista 92083 DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION Commercial Real Estate 15 1 C FOLARS THAT I MAYE EXAMINED THIS STATEMENT AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT AND COMPLETE Katharine S. Issa 9-27-00 SC-200 HIC PCV 1 1996 Approved by Secretary of State



I, *Kevin Shelley*, Secretary of State of the State of California, hereby certify:

That the attached transcript of \_\_\_\_\_ page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAY 2 8 2003

Secretary of State

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Reader poll on Local 3

LOAD-DATE: May 16, 2003

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05/23/2003	The Lincoln Club of Orange County Federal PAC Santa Ana, CA 92705 ID# C00328401	IND COM OTH PTY SCC		850,000 00

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Memo Reference, NON S497 11 Non-monetary contribution Petition circulation

## Attachment E

Los Angeles Times: Archives

Orange County; Lincoln Club to Aid Recall; Republican benefactors approve a \$100,000 donation to help remove Gov. Davis from office.

The Los Angeles Times; Los Angeles, Calif.; May 17, 2003; Jean O. Pasco;

(Copyright The Times Mirror Company; Los Angeles Times 2003. Allrights reserved.)

The Lincoln Club of Orange County threw added heft behind a struggling effort to ask voters in November to recall Gov Gray Davis, approving a \$100,000 donation Friday and promising an additional \$150,000 from its members.

The club includes some of the most prolific Republican donors in California. Its pledge to help the recall signals a growing acceptance for the effort among traditional GOP groups that so far have been skeptical of its success.

Recall organizers must gather about 900,000 signatures by Sept. 2 to place a recall of Davis on the November ballot. If it qualifies, a second question would ask voters to choose a replacement for the Democratic incumbent.

The club's contribution matches that of Rep. Darrell Issa (R-Vista), who took control of the recall organization this month, renaming it Rescue California.

Campaign experts estimate it would take \$2 million to fund a successful recall. The only hope for collecting so many signatures over the summer, they said, would be to employ an army of paid gatherers. Issa has set a fund-raising goal of \$1.2 million.

Thirty-one previous attempts to remove California governors have failed.

On Thursday, Issa formed an exploratory committee to run for governor should the recall effort make the ballot. He is hoping to be the lone candidate party officials support.

Michael D. Capaldi, president of the Lincoln Club of Orange County, said the group met recently with Issa, and that the vote Friday to invest its funds was overwhelming. State GOP Chairman Duff Sundheim also attended the meeting.

"It's great to work together with friends on something this important," Capaldi said. "We appreciate Darrell's entrepreneurship and will do everything we can to help make [the recall] a success."

The Orange County money boost didn't ruffle Davis advisor Roger Salazar.

"We've heard a lot of numbers thrown about and very little of it has materialized," he said Friday. "We'll obviously keep an eye on what they're doing. There is very little support outside hard-core, right-wing Republican circles for this recall effort."

With Issa's involvement, three factions now back the effort to recall Davis, who won reelection by a smaller margin than expected in November and has dropped further in the polls as the state's budget shortfall looms.

They include conservative activists such as Sal Russo, manager of Republican Bill Simon's unsuccessful campaign to defeat Davis last fall, and anti-tax crusader Ted Costa.

Issa spokesman Scott Taylor said the Lincoln Club money will help the recall meet an ambitious July 15 deadline for submitting signatures.

Should the question make the ballot, several Democratic -- and GOP officeholders -- are expected to jump in.

Taylor and Lincoln Club members said the Republican Party has a better chance of retaking the statehouse in a recall election if it backs a single candidate.

Issa is hoping he will be that one.

"The party will coalesce around one candidate and I think it'll be Darrell Issa because he's taken a leadership role," Taylor said.

Issa, 49, was traveling in Northern California and couldn't be reached for comment Friday. He is scheduled to address troops in Oceanside today and has two public events scheduled in Orange County.

A multimillionaire who made his fortune selling car alarms, he won election to Congress in 2000.

Two years earlier, he spent \$10 million on a bid for the U.S. Senate, losing the Republican primary to Matt Fong. He was considering trying again next year for the Senate seat held by Democrat Barbara Boxer.

Credit: Times Staff Writer

Sub Title: [ORANGE COUNTY EDITION]

**Start Page:** B.3 **ISSN:** 04583035

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### Attachment F





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EMAIL ARTICLE LINK TO ARTICLE 12 PRINT ARTICLE Article Last Updated: Friday, April 25, 2003 - 5:12:24 AM PST

#### Wealthy Republican backs Davis recall Rep. Issa of San Diego wants to use his finances to help

By Steve GeissingerSACRAMENTO BUREAU SACRAMENTO - Heightening the political threat to beleaguered Democratic Gov. Gray Davis, Republican U.S. Rep. Darrell Issa said Thursday he will personally and perhaps financially back the Davis recall campaign and would like Valle to replace the governor.

"I believe I could meet the challenge of dealing with a \$35 billion deficit," the San Diego multimillionaire car-alarm magnate said in an interview. "Davis has not provided that leadership."

The two-term congressman, who waged an unsuccessful campaign for U.S. Senate in 1998, had been expected to run next year against U.S. Sen. Barbara Boxer, a Bay Area Democrat.

Political analysts said Issa's surprise

move -- hailed by recall supporters and discounted by Davis backers -- would boost recall efforts. But analysts said the announcement clearly falls short of ensuring the recall question is put before voters.





Issa said he has begun "speaking out" and lending "time and energy" in support of an attempt by anti-tax groups and others to qualify the Davis recall measure for a statewide ballot.

"The people of California were systematically misled by the governor (about the depth of fiscal woes) prior to the (November) election," Issa said. "Public trust has been broken and that is a valid reason for people to sign on to the recall "

Davis supporters rejected the assertion, touted Davis' fiscal leadership and said there's

#### recall.

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Issa said he would not donate directly to the recall campaign but that he might contribut independent efforts aimed at advancing the cause.

If the recall goes before voters, Issa said he's interested in adding his name to the list o Davis were recalled, his office would go to the top voter-getter among replacement can the ballot at the time of the recall election.

Recall sponsor Ted Costa of People's Advocate hailed the announcement by Issa, who considers to be a viable candidate. Issa spent more than \$9 million in his failed attempt nod for U.S. Senate five years ago.

Many potential Republican and Democratic candidates have been mentioned, though  $\boldsymbol{n}$  so solidly committed until now.

But Costa said he was disappointed Issa chose not to work directly with recall proponel which Issa said lacks organization, has relied heavily on the Internet to collect its60,000 far. The campaign needs nearly 900,000 in the coming months to require an election.

Democratic strategists dismissed the potential impact of Issa and his money.

"Issa will be a punching bag for the Democrats," party campaign adviser Bob Mulhollan alleged irregularities in Issa's business dealings and other matters.

Even more importantly, Davis supporters said, there is no justification for a recall camp.

"The purpose of a recall is not to yank somebody out of office who just got re-elected be like the results of the election," said Democratic strategist Garry South.

Though analysts said issa's move would spur the recall effort, they questioned whether decisive impact.

Both sides, for instance, have cited recent poll numbers as evidence of their claims abc analysts said.

"When you have a person of great wealth willing to spend that great wealth to support ε campaign, it's going to have an impact," said Tim Hodson of the Center for California S Sacramento. "But California voters have not been overly friendly toward these type of c

Contact Sacramento Bureau Chief Steve Geissinger at sgeissinger@angnewspapers c

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# Issa says he won't bankroll recall effort

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**AP Wire** 

By John Marelius

UNION-TRIBUNE STAFF WRITER

**April 25, 2003** 

Rep. Darrell Issa is traveling the state to drum up support for the drive to recall Gov. Gray Davis, but yesterday he sought to dampen selfcreated expectations that he would help finance the sputtering effort and run for governor if it succeeds.

On Wednesday, Issa made a series of appearances in the Central Valley where he declared his intention to run to replace Davis and indicated a willingness to dip into his ample bankroll to give the recall a badly needed financial boost.

Yesterday, the Vista Republican backed away from both statements.

"I don't want this to be about Issa writing a check, so Issa's not writing a check," he said.

As for entering the race to succeed Davis if a recall election were held, Issa said that decision would be premature.

"I certainly would consider being a candidate," he said.

Issa's comment, however equivocal, comes the closest to an announcement of candidacy of the many political figures who are regarded as likely to consider jumping into the race should the recall effort qualify for the ballot. Sponsors must collect 900,000 signatures of registered voters by a Sept. 2 deadline to force a recall election.

For now, that's a long way off.

Ted Costa, director of the anti-tax group People's Advocate, said the first month of the petition campaign had netted about 65,000 signatures.

Costa also said recall sponsors had raised about \$200,000. Most political professionals estimate that a successful statewide petition campaign would cost at least \$2 million.



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What Issa intends to do other than talk up the recall was not clear. But the emergence of the second-term congressman, whose car-alarm business made him a multimillionaire, has created a buzz in political

circles that the widely written-off recall might have a chance after all.

"This is something that has been eminently doable from the beginning, but there hasn't been the leadership or the financial resources to pull it off," said Kevin Spillane, a Republican political consultant.

The Davis camp, mindful that somebody with a fat checkbook could change the recall's fortunes with the stroke of a pen, professed to be unconcerned about Issa.

"Darrell Issa is too smart a businessman to make this bad of an investment," said Davis adviser Roger Salazar. "We had an election in November — less than half a year ago. And for Darrell Issa to say that he wants this recall effort because he wants to be governor is sheer arrogance."

Issa said the recall is warranted because Davis deliberately concealed the magnitude of the state budget deficit before the election. Budget deficits in other states also have ballooned since last year.

"Enron cooked the books. WorldCom cooked the books and the governor cooked the books," he said. "The difference is the governor's still in office and the others are in jail."

Although the California Republican Party endorsed the recall, many Republicans believe it is in their interests to leave Davis to make unpopular choices needed to overcome a revenue shortage estimated as high as \$35 billion.

Many figure Davis has become so unpopular he could be a liability for U.S. Sen. Barbara Boxer's re-election campaign and the 2004 Democratic presidential nominee. And the White House opposes anything that could drain resources from President Bush's re-election.

"Our priorities are to strengthen the finances of the state party and to be in a strong position to win California for the president," Gerald Parsky, Bush's point man in California, reiterated yesterday.

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# Attachment H

Los Angeles Times: Archives

Davis Recall Drive Still Lacking Cash, Credibility; Rep. Issa's pledge of funds could invigorate the effort, which has so far failed to catch fire.

The Los Angeles Times; Los Angeles, Calif.; May 8, 2003; Mark Z. Barabak and Richard Simon;

(Copyright The Times Mirror Company; Los Angeles Times 2003. Allrights reserved.)

With a burst of publicity and the promise of badly needed funding, the movement to recall Gov. Gray Davis gained strength this week. But the effort is still hampered by a struggle for cash and credibility that bolsters Davis' chance of survival despite his widespread unpopularity, political analysts say.

Even as proponents said they planned to launch a stepped-up petition drive as soon as this weekend, Rep. Darrell Issa on Wednesday offered the latest in a series of conflicting statements about his financial commitment and willingness to run as Davis' replacement. The Vista Republican had emerged earlier this week as the potential savior of the recall drive, which has lagged in its efforts to collect the roughly 900,000 signatures needed to force a vote.

Aides then said that Issa would commit a six-figure sum to the recall campaign. But Issa refused to be pinned down on how much he would contribute or precisely how much in other donations he has solicited.

"This isn't about how much I contribute, other than my time," Issa said in an interview on Capitol Hill. "It's not about one donor. It has to be many donors."

Toward that end, Issa said he and others would soon come up with "in the neighborhood of a half-million dollars" as he seeks to raise \$1.2 million to pay for a professional signature-gathering drive. He declined to confirm what he has privately told Republicans throughout the state: that he is, in effect, running for governor in the event the issue goes to voters.

With Issa's involvement, three separate groups are now taking part in the effort to oust the incumbent Democrat, who won a closer- than-expected election last November and has grown even less popular as he wrestles with the state's mammoth budget shortfall. Though still in its infancy, the recall holds out the possibility of complicated strategy assessments for the state's political class, with Republicans forced to decide whether to try to take over the state's fiscal mess and Democrats pressed to side with or against their party's governor.

Although Davis has largely ignored the recall effort in public, he held a lengthy private session with political advisors who continue to discuss among themselves the outlines of a prospective campaign. If it comes to that, the governor may have to do without the services of his longtime strategist, Garry South, who is expected to sign on shortly with one of the Democratic presidential candidates.

The recall attempt is being led by a handful of conservative activists, including anti-tax crusader Ted Costa and Sal Russo, the manager of Republican Bill Simon's unsuccessful gubernatorial campaign against Davis. Despite their common goal and an agreement to use the same recall petitions, members of the different organizations have viewed one another with suspicion, thwarting attempts to cooperate and undermining their collective goal. With one quarter of their collection time gone, recall proponents say they have gathered about 100,000 signatures toward the 897,158 valid signatures needed by Sept. 2.

Typically, a campaign would need to collect 1.2 million signatures by then to ensure it hits the required tally, strategists said.

"Clearly, the groundswell they were hoping for hasn't emerged," said Tony Quinn, a nonpartisan campaign analyst in Sacramento. "If they're going to get the signatures they need, they're going to have to buy them."

But complicating efforts to hire signature collectors is the absence of any tangible support from the GOP establishment, party leaders in Sacramento or the California Republican donor community. The White House, which has taken a strong hand in state party affairs, has also kept a notable distance.

"I can understand why people would be unhappy with the fiscal state of California," said Gerald Parsky, a Westside businessman and President Bush's chief political emissary in the state. But even after Issa's attempt earlier this week to

Los Angeles Times: Archives

jump-start the recall, Parsky said, "Our priorities are having enough financial resources to win California for the president and to strengthen the California Republican Party."

Privately, many GOP leaders are contemptuous of Davis, but voice little confidence in their own field of potential candidates, including Simon and Issa.

"Recalling Gray Davis is easy," one Republican official in Sacramento said Wednesday, speaking on condition of anonymity. "The hard part is making sure a Republican is elected to replace him. No one has yet shown me a convincing plan to do that."

Given the tepid response and the desperate need for dollars, the involvement of Issa has been enthusiastically embraced by recall proponents, who are counting on the wealthy lawmaker to spur others to follow.

"From the beginning we've had tremendous interest from people who haven't signed on because they're laggards, not leaders," Russo said. "They wanted the thing to get going before they signed. But we knew that if we built it, much like the movie, they would come. And that's exactly what's happening."

Other Republicans, however, questioned Issa's commitment. Just two weeks ago, the congressman told reporters that he would be a candidate for governor and would assist the recall effort; a day later, he said he would not write a check and was only considering a candidacy.

Davis aides professed to being nearly as delighted as Republicans in seeing Issa come on board, in whatever role he ultimately takes. "He provides a little money and a great target," said one strategist, who declined to be identified, in keeping with Davis' effort to keep a low political profile.

Tim Hodson, a political analyst at Cal State Sacramento, agreed. "Now it's not longer just about getting rid of Gray Davis," Hodson said. "Now there's a rival candidate, whether Issa wants to admit it or not, and the dynamic becomes a choice between Davis and replacing him with Darrell Issa."

But Issa insisted his involvement is "not about guaranteeing a Republican replacement" for Davis, or advancing his own desire to be governor. "I'm a congressman who simply said, 'I care about my state too much to let it go down the tubes over the next three years,' " Issa said during an interview outside the House chamber.

In Sacramento, a strategist for Issa, Dave Gilliard, said he hopes to field as many as 200 professionals across the state this weekend to energize the signature-gathering drive. Though recall proponents have until September to complete their work, Gilliard said they hope to finish by mid-July, in order to force a recall vote as soon as possible. "October sounds like a good time to me," Gilliard said.

An election that early would keep the recall question off the same ballots as the San Francisco mayor's race in November and the presidential primary next March, both of which are likely to draw disproportionate numbers of Democrat voters.

If the recall measure were to qualify for the ballot, voters would have two decisions to make: whether Davis should be removed from office and who should replace him if he is.

If enough valid signatures were gathered, a complete slate of candidates might not be known until after recall petitions were certified 60 days after filing and Lt. Gov. Cruz Bustamante set a date for the election. After that, anyone wishing to run for governor could get on the ballot by paying a filing fee of \$3,500, 2% of the governor's \$175,000 salary.

The ballot could include multiple Democrats and Republicans as well as candidates from smaller parties.

Credit: Times Staff Writers

Sub Title: [HOME EDITION]

# Attachment I



# **Browse Display**

# Copyright 2003 The San Diego Union-Tribune The San Diego Union-Tribune

May 7, 2003, Wednesday

SECTION; NEWS; Pg. A-3

LENGTH: 561 words

HEADLINE: Issa may put money behind recall effort

BYLINE: John Marelius; STAFF WRITER

#### BODY:

Rep. Darrell Issa is seeking to commandeer the struggling drive to oust Gov. Gray Davis by launching his own recall effort and priming the pump with a large contribution.

The Vista Republican, who made a fortune in the car alarm business before his election to Congress in 2000, hopes to jump-start a grass-roots recall effort that has had little success attracting prominent supporters or raising the money needed to finance a statewide petition drive.

In an interview, Issa would not confirm an adviser's statement that he planned to write a sixfigure check.

"I haven't out a figure of six figures or seven figures or five figures on it," Issa said. "I certainly have said that I would participate as a donor and participate with my time and energy."

If a recall election is held, Issa is expected to be a candidate to replace Democrat Davis. He had been widely expected to run against Democratic U.S. Sen. Barbara Boxer in 2004, but reportedly has decided against it. Issa spent nearly \$10 million of his own money in an unsuccessful 1998 Senate race.

Political analysts yesterday said Issa's involvement could encourage well-heeled Davis foes, who had written off the recall as a lost cause.

"Money begets money," said Jack Pitney, a professor of government at Claramont McKenna College, "Once potential donors know there's some serious cash behind this, they're more willing to open their checkbooks."

Publicly at least, Davis advisers had been dismissing the recall effort as little more than a nuisance.

Yesterday, it got their attention and triggered a barely veiled threat.

Garry South, who managed both of Davis' successful campaigns for governor, declared there is a treasure trove of unflattering information about Issa that was unearthed by researchers for Boxer in 1998, but never used because Issa failed to win the Republican nomination.

"There's a lot about this guy that people don't know," South said. "When you're an obscure congressman and you come forward and say, 'I'm going to fund this thing, I'm going to set up an organization, I'm going to run for governor, he's now injected himself into this process and it seems to me he deserves gubernatorial-level scrutiny."

The original recall campaign has been distributing petitions over the Internet. Most political professionals believe that such a monumental undertaking can only be accomplished with pald signature-gatherers and Issa's new committee, Rescue California, hopes to have them on the streets by this weekend.

Recall sponsors need to collect the signatures of nearly 900,000 registered California voters by http://www.nexis.com/research/search/documentDisplay? docnum=37&\_ ansset=W-WA-A-B-CD... 5/22/2003



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Page 2 of 2

Sept. 2, but probably will need several hundred thousand more to compensate for invalid signatures.

That is a difficult enough hurdle. But **Issa** said he wants to wrap up the petition drive by July 20 in hopes of guaranteeing that a special **recall** election would be held in late fall to avoid consolidation with the March presidential primary election which is expected to attract a disproportionately high turnout of Democrats.

Even if the **recall** accelerates its timetable, there is no guarantee of an early election, said Terri Carbaugh, spokeswoman for Secretary of State Kevin Shelley. Carbaugh said Shelley has until Dec. 12 to certify the **recall**, depending on how long it takes county registrars to tally and verify the signatures.

GRAPHIC: 1 PIC; Darrell Issa

LOAD-DATE: May 9, 2003

✓ prev Document 37 of 57 next ➤

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# Attachment J

P. 10/26

# Copyright 2003 Orange County Register Orange County Register (California)

May 7, 2003, Wednesday

**SECTION:** News

LENGTH: 819 words

HEADLINE: Issa offers to help bankroll Davis recall // His \$100,000 pledge is first major financial support from a state or federal elected official.

BYLINE: By DENA BUNIS and JOHN HOWARD, The Orange County Register

## BODY:

An attempt to recall Democratic Gov. Gray Davis got a boost Tuesday from Republican Rep. Darrell Issa, a multimillionaire car-alarm maker who said he would help bankroll the campaign and probably run as a replacement candidate.

The state Republican Party has officially endorsed the recall, which was launched March 25, but it has drawn little support from high-profile Republicans, despite Davis' poor showing in statewide polls. Issa -- a Vista resident who represented south Orange County before district lines were redrawn in 2001 -- is the first state or federal elected official in California to offer major financial support.

"This is the most significant development in the recall campaign to date," said Kevin Spillane, a Republican consultant. "This is the first sign of soriousness — the first indication that it is possible that there will be a recall election, truly possible."

Recall proponents must gather 897,158 valid signatures — 12 percent of those who voted in the governor's race in November — by Sept. 2 to get the recall on the ballot. Signature gathering likely will cost \$1.5 million to \$2 million, said Issa consultant David Gilliard.

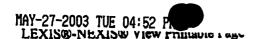
Issa will provide at least \$100,000 for the recall, his aide said, and will seek donations from others in the \$50,000 to \$100,000 range.

The original recall supporters, who include Prop. 13 co-organizer Ted Costa, said they already have 100,000 signatures. Experts believe at least 1.2 million signatures must be collected to allow for the percentage that will be found invalid. Paid signature gatherers are seen as the key.

Although they have until September to gather them, recall organizers said that for strategic reasons they want to do it by July 20.

By law, if enough signatures are gathered, Lt. Gov. Cruz Bustamante would get to set the election date within certain parameters. If the signatures don't come in until September, Bustamante could consolidate the recall election with the regular March primary election. That would be seen as an advantage to Davis because many Democrats would come out to vote for a wide variety of issues, including the presidential primary.

But if the signatures are submitted before July 20, recall organizers believe Bustamante will be forced to call a special election. Such a one-issue contest, they believe, is much more likely to attract Republicans and other fervent anti-Davis voters than it would be Davis supporters.



On Tuesday, Issa registered with the state of a new fund-raising committee called "Rescue California ... Recall Gray Davis."

In 1998, Issa spent \$10 million of his own money in an unsuccessful U.S. Senate primary. Two years later, he won his congressional seat with a campaign fund that included \$1.5 million of his own money.

In an interview Tuesday, Issa, 49, said he believes Davis' budget and energy policies have damaged the state.

Davis "covered up the extent of the state budget deficit" for months and misled people about the number of California jobs lost to the recession, Issa said.

As for replacement candidates, Issa said: "I don't think it's ripe yet. As we start getting from 100,000 signatures to 300,000 to 400,000, that will become the hottest topic in town. ... If I'm the best candidate, I'd like to be on the ballot. But if I'm radioactive at the end of the campaign, then someone else will likely carry the mantle."

Prominent Republicans have shown little interest in the recall campaign, and reiterated Tuesday that the party's focus should be elsewhere.

"I certainly can understand why some people would be interested in the recall, but that's not our priority," said Gerry Parsky, President George W. Bush's top California adviser. "Our priorities are the re-election of the president and strengthening the party, and having adequate financial resources to do both."

Davis aides said the governor, whose approval rating sunk to a record-low 27 percent last month, still isn't worried.

"Californians understand that we have some real problems in the state and they want common-sense solutions, and recall isn't one of them," said adviser Roger Salazar.

Davis has generally sought to ignore the recall in public. Salazar said Davis aides are not raising money to counter the recall, although the \$1.4 million that remains in Davis' campaign account could be used for that.

Also, Davis recently invited lobbyists and supporters to a \$5,000-a-ticket golf tournament in Carmel on May 23 — his first fund-raising event since his re-election — but Salazar said it was an annual event unrelated to the recall.

Recalls have been attempted against California governors in the past, but none has collected enough signatures to qualify for the ballot.

The Associated Press

contributed to this report.

www.recallgraydavis.com

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# Attachment K

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# MATIER & ROSS

Limelight also shines on the other Newsom She's a big attraction on the chat circuit

Sunday, May 18, 2003 San Francisco Chronicte CHRONICLE SECTIONS

Phillip Matier, Andrew Ross

Step aside, Gavin.

There's a new Newsom in the national spotlight the San Francisco supervisor's wife, Kimberly Guifoyle Newsom, whose looks, brains and lawyerly background have made her a star commentator on the Laci Peterson chat circuit.

The lissome Guilfoyle Newsom has become a regular - as in very regular - guest on CNN's "Larry King Live" in recent weeks, providing sharpedged courtroom analysis. And fabulous close-ups.

So much so that Larry King has her flown down to L.A. to appear on set rather than via satellite.

In fact, the Kingmeister is so covetous of the prosecutor's analysis that he's barred other CNN shows from talking to her on air.

"I'm not having an affair with Larry, if that's your next question." Guilfoyle Newsom said as she was driving to the Ritz for a power lunch with presidential contender John Edwards' wife. "It's just that there is this intense competitiveness even within CNN with this story."

King may rule her life at CNN; but when it comes to the other networks, Guilfoyle Newsom is still very much her own person. She's appearing regularly on Fox News as well as the morning network shows, where she holds her own with chatty Cathys like Scott Peterson's attorney, Mark Geragos.

Guilfoyle Newsom, who's on leave from her job in the San Francisco district attorney's office, is also stretching out into Hollywood. She's already appeared in two upcoming movies, and she's going down to L.A. to read with producer Aaron Spelling for some possible TV work next season.

The high-profile gigs can't hurt on the financial front

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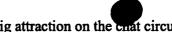
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(like she needs it) or the political front, now that hubby Gavin is hoping to be the lead anchor, so to speak, in the City of Saint Francis.

WAR PATH: From the looks of things, Gov. Gray Davis has just ducked a big recall arrow -- the threat that some of wealthy Indian gaming interests might help bankroll the effort.

It all started a couple of months back when Davis stirred up a hornet's nest by announcing that he expected the tribes to kick in \$1.5 billion to ease the state's budget crisis, as a condition for granting them more slot machines at their casinos.

It wasn't just the money grab that angered the tribes, it was the way Davis did it -- through the press, without first consulting with them.

The fact that some of the tribes had helped elect Davis in the first place didn't make them feel any better.

By early last week, there were reports that Republican Rep. Darrell Issa - one of the recall leaders - was in contact with tribes about joining the effort.

And soon the tribes were letting it be known that they might be ready to dump as much as \$4 million into the recall.

"It's not a matter of if, but how much and when," one tribal insider told us.

They must have heard about the play up in the governor's office, because by the time Davis unveiled his new state budget plan last week, it called for a mere \$680 million in revenue from the tribes -- less than half what he had been asking.

And while the tribes still insist they're as angry as ever over what they see as the governor's shabby and disrespectful treatment of them, they've stopped banging the recall drum.

At least for now.

MEANWHILE, BACK AT THE RANCH: Gavin Newsom's campaign managed to block Angela Alioto from winning the San Francisco Labor Council's endorsement this past week.

That's news on two fronts.

1) Up until just a couple of weeks ago, Alioto's folks thought they had it in the bag.

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2) Newsom's people pulled a fast one that caught the Alioto forces off guard.

### The story:

Winning the labor council — which represents most of the local unions — would have been a big shot in the arm for Alioto's campaign. But it takes a two-thirds vote to earn the endorsement.

Alioto was close to achieving that goal, thanks in large part to the backing of the city workers' union, but she was still a few votes shy. The Alioto people set to work on cutting a deal to pry the needed votes from another candidate.

Newsom's labor backers — who include the police and firefighters unions and some of the trade workers — got wind of the plan and made one of their own.

The night of the vote, Newsom's union friends packed the hall with their delegates

And thanks to a few phone calls from City Hall, some delegates who had been leaning toward Alioto were suddenly and mysteriously absent.

The upshot is Alioto failed to get the two-thirds vote on the first round.

And then — before anyone could start moving for a "compromise" vote — firefighters union president John Hanley suddenly shouted for the meeting to be adjourned.

No sooner did Hanley make the motion than it was seconded and passed, ending the meeting — and Alioto's hope of an endorsement.

TICKET TALK: Our report the other day about San Francisco's Department of Parking and Traffic putting out the call to issue 40,000 tickets in the next 45 days prompted a bucket-load of phone calls and e-mails from angry motorists convinced that they'd already been unfairly targeted.

"I just received one today," wrote Philip Barambani, who said he was ticketed Thursday while parked in his aunt's driveway.

Not just that, he added: "My aunt resides in Daly City."

Chronicle columnists Phillip Matier and Andrew Ross appear Sundays, Mondays and Wednesdays. They can also be heard on KGO Radio on

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